

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

RANDA L. RILEY,

Plaintiff,

v.

TEXAS DEPARTMENT OF
CRIMINAL JUSTICE, et al.

Defendants.

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1:17-CV-1031-RP

ORDER

On November 28, 2017, the Texas Department of Criminal Justice (“TDCJ”), the Ellen Halbert Substance Abuse Felony Punishment Facility (“SAFPF”), Beth Morris (“Warden Morris”) and Bryan Collier (“Executive Director Collier”) (collectively, the “TDCJ Defendants”) filed the instant Motion to Dismiss for Lack of Subject-Matter Jurisdiction and Motion for Judgment on the Pleadings (“the Motion”), (Dkt. 9). The TDCJ Defendants seek dismissal of Plaintiff’s 42 U.S.C. § 1983 (“Section 1983”) claims against TDCJ and SAFPf, as well as Plaintiff’s claims against Warden Morris and Executive Director Collier in their official capacities. The undersigned referred the Motion to U.S. Magistrate Judge Mark Lane for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), Federal Rule of Civil Procedure 72, and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas. Magistrate Judge Lane subsequently entered a report and recommendation recommending that the undersigned grant the Motion in full. (R. & R., Dkt. 22).

Because the report and recommendation was entered on March 15, 2018, Plaintiff’s objections were due on or before March 29. Fed. R. Civ. P. 72(b)(2) (“Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.”). No objections were received.

Where, as here, no party has objected to the magistrate judge's findings, the Court reviews the report and recommendation for clear error. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). After careful consideration, the Court adopts the magistrate judge's report and recommendation. The Court finds that the magistrate judge's conclusion and recommendation are neither clearly erroneous nor contrary to law.

For the reasons given, the Court hereby **ADOPTS** the magistrate judge's report and recommendation, (Dkt. 22), as the opinion of the Court. The 'TDCJ Defendants' Motion to Dismiss for Lack of Subject-Matter Jurisdiction and Motion for Judgment on the Pleadings, (Dkt. 9), is **GRANTED**. Plaintiff's claims against the Texas Department of Criminal Justice, the Ellen Halbert Substance Abuse Felony Punishment Facility, Beth Morris, and Bryan Collier are **DISMISSED WITH PREJUDICE**.

SIGNED on April 30, 2018.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE